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*Attorneys for Plaintiff/Counter-Defendant
MGM Resorts International Operations, Inc.*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MGM RESORTS INTERNATIONAL
OPERATIONS, INC., a Nevada corporation,

Plaintiff

v.

TYLT, INC., a Delaware corporation,

Defendant

TYLT, INC. a Delaware corporation,

Counterclaimant

vs.

MGM RESORTS INTERNATIONAL
OPERATIONS, INC., a Nevada corporation,

Counter-Defendant

CASE NO. 2:20-cv-02250-CDS-VCF

**Order Granting MGM Resorts' Motion
for Summary Judgment or Partial
Summary Judgment and
Overruling Tylt Inc.'s
Evidentiary Objections**

[ECF Nos. 70, 72]

On August 24, 2023, the Court held a hearing on the Motion for Summary Judgment or Partial Summary Judgment [ECF No. 70] (the "Motion") filed by Plaintiff/Counter-Defendant MGM Resorts International Operations, Inc. ("MGM") against Defendant/Counterclaimant TYLT, Inc. ("Tylt"). Tylt filed a Response to the Motion [ECF Nos. 73-76] (the "Response")

and MGM filed a Reply brief [ECF No. 80] (the "Reply brief"). Christopher D. Kircher, Esq. appeared in-person at the hearing on behalf MGM, and Andrew Goodman, Esq. and Garrett Chase, Esq. appeared on behalf of Tylt via Zoom video conference.

Having considered the Motion, the Response and the Reply brief, the declarations and other exhibits attached thereto, Federal Court Rule of Civil Procedure 56, and the oral argument of counsel at the hearing, the Court entered Findings of Facts and Conclusions of Law on the record at the hearing and, with good cause appearing:

IT IS HEREBY ORDERED that MGM's Motion is **GRANTED** and summary judgment is entered against Tylt and in favor of MGM on MGM's claims for Breach of Contract and Breach of the Implied Covenant of Good Faith and Fair Dealing. MGM's claim for Unjust Enrichment is dismissed as moot. The Court further enters summary judgment in favor of MGM and against Tylt on Tylt's counterclaims for Breach of Contract, Breach of the Implied Covenant of Good Faith and Fair Dealing and Unjust Enrichment, which are thereby dismissed.

IT IS HEREBY FURTHER ORDERED that, based on the granting of the Motion, MGM is awarded the principal amount of \$730,000.08 plus prejudgment interest pursuant to NRS 99.040(1) in the amount of \$188,020.02 through August 24, 2023, calculated as follows:

TIME PERIOD	PRIME INTEREST RATE + 2%	INTEREST PER DAY	# OF DAYS	TOTAL INTEREST
9/13/19 - 12/31/19	7.50%	\$150.00	110	\$16,500.00
1/1/20 - 6/30/20	6.75%	\$135.00	182	\$24,570.00
7/1/20 - 12/31/20	5.25%	\$105.00	184	\$19,320.00
1/1/21 - 6/30/21	5.25%	\$105.00	181	\$19,005.00
7/1/21 - 12/31/21	5.25%	\$105.00	184	\$19,320.00
1/1/22 - 6/30/22	5.25%	\$105.00	181	\$19,005.00
7/1/22 - 12/31/22	6.75%	\$135.00	184	\$24,840.00
1/1/23 - 6/30/23	9.50%	\$190.00	181	\$34,390.00

7/1/23 - 8/24/23	10.25%	\$205.00	54	\$ 11,070.00
TOTAL				\$188,020.02

IT IS HEREBY FURTHER ORDERED that, at this time, the total judgment entered against Tytl and in favor of MGM is \$918,020.10, plus post-judgment interest at the statutory rate pursuant to NRS 99.040(1). MGM is also granted leave to move for the attorneys' fees and costs it has incurred in this lawsuit.

IT IS HEREBY FURTHER ORDERED that the objections set forth in the Notice of Evidentiary Objections to Motion for Summary Judgment by Tytl [ECF No. 72], which MGM responded to, are hereby overruled.


United States District Judge

Dated: September 14, 2023

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